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Notice of Allowability	Application No.	Applicant(s)	
	09/235,531	BIEBER ET AL.	
	Examiner	Art Unit	
	Erica E Cadugan	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/22/2004 and interview of 7/19/2004.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/29/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ilya Zborovsky on July 19, 2004.

2. The application has been amended as follows:

In claim 19, line 3, "tooth" has been changed to --toothed--.

In claim 21, line 2, --a-- has been inserted before "ring".

In claim 21, line 2, "the" has been deleted.

3. The following is an examiner's statement of reasons for allowance:

As described in detail on the record in the preceding office action, U.S. Pat. No.'s 3,021,723 to Happe, 3,998,278 to Stiltz et al., and U.S. Pat. No. 5,788,021 to Tsai are representative of the closest applicable prior art of record to the present invention as set forth in the independent claims.

In short, it is noted that both Happe and Stiltz teach drilling devices wherein a motor shaft drives an intermediate shaft that is radially offset therefrom, which intermediate shaft in turn drives a spindle that is radially offset from the intermediate shaft.

As previously discussed, Happe teaches a device for "arresting" including a disc 28 that is constructed such that upon manually pressing the plunger 26 to overcome the force of springs 31, the motor shaft 13 is locked against rotation so as to "hold the spindle 20 stationary so that

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the chuck 21 may be unscrewed and a different tool-holding element may be substituted therefor" (Happe, col. 2, lines 7-15 and Figures 1 and 4, for example). Note that this arresting device is located on the "motor shaft".

However, as amended in the amendment filed April 22, 2004, each of the independent claims sets forth that the "arresting coupling" is "arranged on said intermediate shaft".

Thus, Happe does not anticipate the present invention as set forth in each of the independent claims.

Additionally, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Happe, and thus, for at least this reasoning, Happe does not render obvious the present invention as set forth in the independent claims.

Additionally, regarding Stiltz et al., Stiltz does not teach an arresting device at all.

Instead, Examiner asserted that it would be obvious to have substituted the arresting device including a divided motor shaft having inner and outer portions as taught by Tsai for the motor shaft taught by Stiltz, for the purpose of allowing drill bits to be speedily and conveniently removed or replaced as taught by Tsai (col. 3, lines 60-64, for example).

However, there is no teaching or motivation absent hindsight that would motivate one having ordinary skill in the art to substitute the motor shaft with arresting device taught by Tsai for the intermediate shaft 19 (which is radially offset from the motor shaft and the drilling spindle as claimed) taught by Stiltz such that the "arresting coupling" is "arranged on said intermediate shaft" as now set forth in each of the independent claims via the amendment of April 22, 2004.

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Additionally, there is no other combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Stiltz, and thus, for at least this reasoning, Stiltz (or Stiltz in view of Tsai) does not render obvious the present invention as set forth in the independent claims.

Since no single reference teaches, nor does any reasonable combination of references teach or reasonably suggest, each limitation of each of the independent claims 1, 8, and 15-18, thus, the prior art of record neither anticipates nor renders obvious the present invention as set forth in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

4. The informal proposed drawing changes to Figure 1 that were submitted on December 20, 2001 were approved by the Examiner in the office action mailed 7/1/2003. However, no formal corrected drawing sheet for Figure 1 was ever received. Formal correction is now required. Below is set forth information on how to effect these drawing changes. It is noted that Figures 2-3 filed on January 22, 1999 are approved and do not need to be corrected. Only Figure 1 needs to be corrected.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

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Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Information Disclosure Statement

5. Regarding the information disclosure statement (IDS) submitted in April 2004, it is noted that the Harman, Jr, et al. reference and the Happe reference were lined through because they

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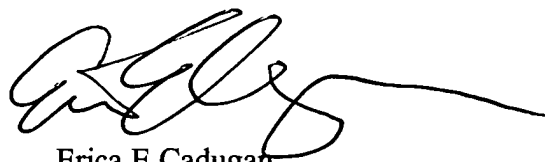
were already of record. Additionally, it is noted that the Chung reference listed on page 2 of the IDS was lined through because it was already cited on page 1 of the IDS.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (703) 308-6395. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (703) 308-2159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Erica E Cadugan', with a long horizontal flourish extending to the right.

Erica E Cadugan
Primary Examiner
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